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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,320	08/08/2001	Anita Hogans Simpson	BS01-066	1966
38516	7590	12/02/2005	EXAMINER	
SCOTT P. ZIMMERMAN, PLLC			NGUYEN, DUSTIN	
PO BOX 3822			ART UNIT	
CARY, NC 27519			PAPER NUMBER	
			2154	

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/923,320	SIMPSON, ANITA HOGANS	
	<b>Examiner</b>	<b>Art Unit</b>	
	Dustin Nguyen	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-48 and 51-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-48 and 51-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 1, 3-48 and 51-56 are presented for examination. Claims 2, 49-50 and 57 have been cancelled.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/23/2005 has been entered.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 20, 30, 40, 42, 48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

A. The following terms lack antecedent basis:

I. the numbers of users - claims 1, 20, 30, 40, 42, 48.

*Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1, 7-20, 24-30, 34-40, 42, 44, 46-48, 55 and 56 are rejected under 35 U.S.C. 102(e) as being anticipated by Gudjonsson et al. [ US Patent No 6,564,261 ].

6. As per claim 1, Gudjonsson discloses the invention substantially as claimed including a method for notifying an offline user of an online user [ i.e. the network enables any of the communication services between users, and the initiating user need not know whether the other user is currently online via his/her PC or may instead be reached via pager or mobile phone ] [ Abstract; and col 13, lines 29-38 ], the method comprising the steps of:

monitoring the numbers of users who log in to a website [ i.e. monitor the status/presence of a given set of other users and be notified of any changes thereof ] [ col 8, lines 60-63 ];

as each user logs in, comparing notification criteria of the offline user [ i.e. the ability to look for other user's identities using queries by name or other useful criteria ] [ col 8, lines 63-65 ], the notification criteria specifying a particular number of users that logs in to the website [ i.e. the user can be aware of the online status of users in his/her buddy list and get notification when these user's status changes ] [ col 3, lines 1-13 and lines 38-45 ]; and

when the particular number of users exceeds a preset amount [ i.e. getting a notification whenever another user adds him/her to the other user's contact list ] [ col 35, lines 65-col 36, lines 6 ], then sending a notification to the offline user [ i.e. instruct to forward messages to his/her mobile phone when he's not online ] [ Figure 4; col 10, lines 7-22 ], the notification informing the offline user of an amount of activity in the website [ i.e. PC to phone, notify Ann [ off-line ] that Carl is at his computer and wants to voice chat with Anne ] [ col 25, lines 43-63 ].

7. As per claim 8, Gudjonsson discloses sending an offline communication to the offline user in accordance with the offline user's contact information [ i.e. forwarded to GSM phone ] [ col 25, lines 43-64 ].

8. As per claim 9, Gudjonsson discloses communication device type and an address of the communication device [ col 22, lines 64-col 23, lines 11 ].

Art Unit: 2154

9. As per claim 10, Gudjonsson discloses a plurality of communication device types of the offline user [ col 33, lines 5-30 ], addresses for each of the plurality of communication device types [ col 1, lines 40-col 2, lines 15 ], and an order in which to attempt the plurality of communication device types [ i.e. user specified the types of message deliveries ] [ col 33, lines 31-48 ].

10. As per claim 11, Gudjonsson discloses sending the offline communication to one of a wireline telephone, a wireless telephone, a caller identification device, a wireless access protocol device, a one-way pager, and an interactive page [ col 3, lines 22-28 ].

11. As per claim 12, Gudjonsson discloses receiving an indication from the offline user as to whether the offline user will log in to the website [ i.e. accept or decline ]; and reporting the indication to the online user [ i.e. send a declining message ] [ col 25, lines 21-42 ].

12. As per claim 7, Gudjonsson discloses reporting the indication to another offline user [ i.e. choose multiple recipients for a message ] [ col 36, lines 35-40 ].

13. As per claim 13, Gudjonsson discloses wherein the step of sending the offline communication comprises sending the offline communication to one of a wireline telephone and a wireless telephone [ col 3, lines 22-28 ],

wherein the step of receiving the indication comprises receiving input of the offline user through an interactive voice response unit, and wherein the step of reporting the indication

Art Unit: 2154

comprise transmitting the indication to the online user through a global computer network [ col 9, lines 41-col 10, lines 22 ].

14. As per claim 14, Gudjonsson discloses receiving audio input of the offline user and converting the audio input to text for transmission through the global computer network to the online user [ i.e. translating signal protocol ] [ col 10, lines 10-16; and col 3, lines 6-30 ].

15. As per claim 15, Gudjonsson discloses receiving audio input of the offline user, recording the audio input as a digital audio file, and transmitting the digital audio file through the global computer network to the online user [ col 34, lines 37-49; and col 37, lines 59-67 ].

16. As per claim 16, Gudjonsson discloses sending the offline communication to one of an interactive pager and a wireless access protocol device [ col 39, lines 18-20 ],

wherein the step of receiving the indication comprises receiving input of the offline user from the interactive pager or the wireless access protocol device, and wherein the step of reporting the indication comprises transmitting the indication to the online user through the global computer network [ i.e. invitation reply ] [ col 23, lines 50-col 24, lines 15 ].

17. As per claim 17, Gudjonsson discloses one of a standard message [ col 22, lines 41-45 ] and a customized message [ col 10, lines 64-col 11, lines 4 ].

Art Unit: 2154

18. As per claim 18, Gudjonsson discloses the notification criteria and a time and a date that the notification criteria was satisfied [ col 32, lines 36-48; and col 36, lines 47-55 ].

19. As per claim 19, Gudjonsson discloses requiring the offline user to provide a passcode before forwarding the offline communication [ col 31, lines 43-58 ].

20. As per claim 20, it is rejected for similar reasons as stated above in claim 1.

21. As per claims 24-29, they are rejected for similar reasons as stated above in claims 8-13.

22. As per claim 30, it is rejected for similar reasons as stated above in claim 1.

23. As per claims 34-39, they are rejected for similar reasons as stated above in claims 8-13.

24. As per claim 40, it is rejected for similar reasons as stated above in claim 1.

25. As per claim 42, it is rejected for similar reasons as stated above in claim 1.

26. As per claim 44, it is rejected for similar reasons as stated above in claim 8.

27. As per claims 46 and 47, they are rejected for similar reasons as stated above in claims 11 and 12.



28. As per claims 48, it is rejected for similar reasons as stated above in claims 1 and 13.

Furthermore, Gudjonsson discloses instant messaging service [ col 2, lines 16-23 ].

29. As per claim 55, it is rejected for similar reasons as stated above in claim 1. Furthermore, Gudjonsson discloses telephone call [ col 25, lines 6-20 ].

30. As per claim 56, it is rejected for similar reasons as stated above in claim 11.

### *Claim Rejections - 35 USC § 103*

31. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

32. Claims 3, 4, 21, 22, 31, 32, 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gudjonsson et al. [ US Patent No 6,564,261 ], in view of Payne et al. [ US Patent No 6,021,433 ].

33. As per claim 3, Gudjonsson discloses the website is a chat room [ i.e. chat session ] [ Abstract ]. Gudjonsson does not specifically disclose a topic of discussion. Payne discloses a

Art Unit: 2154

topic of discussion [ i.e. category ] [ col 21, lines 21-44 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Gudjonsson and Payne because Payne's teaching of category would enhance the system by provide a variety of information for users to communicate with each other.

34. As per claim 4, Gudjonsson does not specifically disclose the website is a game site and the notification criteria further comprise when a high score has been exceeded. Payne discloses the website is a game site [ col 21, lines 21-44 ] and the notification criteria further comprise when a high score has been exceeded [ col 28, lines 29-30 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Gudjonsson and Payne because Payne's teaching of game site would allow to implement the system on variety of applications to increase its value.

35. As per claims 21 and 22, they are rejected for similar reasons as stated above in claims 3 and 4.

36. As per claims 31 and 32, they are rejected for similar reasons as stated above in claims 3 and 4.

37. As per claim 45, it is rejected for similar reasons as stated above in claim 3.

Art Unit: 2154

38. Claims 5, 6, 23, 33, 41, 43, 51-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gudjonsson et al. [ US Patent No 6,564,261 ], in view of Gupta et al. [ US Patent No 6,763,384 ].

39. As per claim 5, Gudjonsson does not specifically disclose the website is an auction site and the notification criteria comprise entry of a bid that exceeds a high bid submitted by the offline user. Gupta discloses the website is an auction site and the notification criteria comprise entry of a bid that exceeds a high bid submitted by the offline user [ Abstract; and col 8, lines 12-28 ]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Gudjonsson and Gupta because Gupta's teaching of auction site would allow provide up to date status of valuable information for users.

40. As per claim 6, Gupta discloses the website is an auction site and the notification criteria comprises a number of bids submitted within a certain duration [ col 1, lines 26-34 ].

41. As per claim 23, it is rejected for similar reasons as stated above in claim 5.

42. As per claim 33, it is rejected for similar reasons as stated above in claim 5.

43. As per claim 41, it is rejected for similar reasons as stated above in claims 3-5.

44. As per claim 43, it is rejected for similar reasons as stated above in claims 3-5.

Art Unit: 2154

45. As per claims 51 and 52, they are rejected for similar reasons as stated above in claims 1, 5 and 6.

46. As per claim 53, it is rejected for similar reasons as stated above in claim 12.

47. As per claim 54, it is rejected for similar reasons as stated above in claim 5.

48. Applicant's arguments with respect to claims 1, 3-48 and 51-56 have been considered but are moot in view of the new ground(s) of rejection.

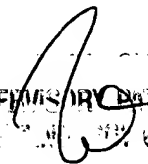
49. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (571) 272-3971. The examiner can normally be reached on flex schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Follansbee John can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Supervising Patent Examiner  
Art Unit 2154

Dustin Nguyen  
Examiner  
Art Unit 2154